

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

UNITED STATES OF AMERICA  
v.  
STACY PAUL WADDELL,  
Defendant.

CASE NO. CR415-095

2016 JUL -8 PM 1:19  
SHERIFF *John Doe*  
SO. DIST. OF GA. *John Doe*

O R D E R

Before the Court is the Government's Motion in Limine to Exclude Evidence of Fulfilled Orders. (Doc. 197.) In this motion, the Government seeks to preclude Defendant from presenting as part of his case-in-chief evidence that he fulfilled precious metals orders for customers whom the Government does not identify as victims of Defendant's alleged fraud scheme. (*Id.* at 1.) Defendant responds that the purpose of this evidence is to "show the mechanism of how his [web]site operated." (Doc. 201 ¶ 10.)

"Evidence of good conduct is not admissible to negate criminal intent." United States v. Camejo, 929 F.2d 610, 613 (11th Cir. 1991); accord United States v. Ellisor, 522 F.3d 1255, 1270 (11th Cir. 2008). As a result, this type of evidence is irrelevant and its admission proscribed by the Federal Rules of Evidence. See Ellisor, 522 F.3d at 1270-70 & nn.20-22 (noting that evidence of lawful conduct would be

inadmissible under Federal Rules of Evidence 401, 402, 403, 404, and 405). The issue to be decided at trial is whether a defendant committed the crimes as charged in the indictment, not whether he acted lawfully on other similar occasions.

In this case, evidence that Defendant fulfilled precious metal orders for individuals not identified by the Government as victims is clearly inadmissible as part of Defendant's case-in-chief. Defendant is on trial for the specific and distinct crimes alleged in the indictment, not for his overall conduct with respect to his precious metals business. While Defendant characterizes this evidence as necessary to explain how orders were placed on his website, that information can be presented without informing the jury that Defendant ultimately fulfilled a specific, placed order. Accordingly, the Government's motion is **GRANTED** and Defendant is **PROHIBITED** from introducing evidence during his case-in-chief that he fulfilled orders placed by individuals not identified by the Government as victims of his scheme to defraud.

SO ORDERED this 8<sup>th</sup> day of July 2016.

  
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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA